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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Badal *et al.*

Confirmation No.: 8305

Serial No.: 10/814,686

Art Unit: 1642

Filed: March 30, 2004

Examiner: Audrey S. Pham

For: Intracellular Complexes as  
Biomarkers

Attorney Docket No.: 11068-138-999

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The present paper is responsive to the Restriction Requirement mailed February 28, 2006 in connection with the above-identified patent application. Filed herewith is a Petition for Extension of Time under 37 CFR 1.136, extending the time for response for a period of 1 month from March 28, 2006 to April 28, 2006. Accordingly, this response, filed April 26, 2006, is timely filed.

In response to the Restriction Requirement dated February 28, 2006, Applicants hereby elect, without traverse, to prosecute the claims of Group I (claims 1-6, 8-16, and 21-22). Further, in response to the PTO's requirement that Applicants elect a single intracellular complex listed in claim 3, 4, 8, 10, 14, or 15, Applicants elect the intracellular complex 14-3-3/BAD.

Further, in response to the requirement to elect a patentably distinct species to facilitate examination of the claims, Applicants hereby elect the patient sample species **fixed tissue sample** and the cancer species **colorectal cancer**. Applicants believe claims 1-5, 21, and 22 read on the elected species.


Applicants reserve the right to pursue non-elected subject matter in one or more later filed divisional, continuation, or continuation-in-part applications.

Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested.

No fee is believed due with this response other than the fee for one month's extension of time for response. However, should the Commissioner determine otherwise, the Commissioner is hereby authorized to charge any required fee(s) to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

Date: April 26, 2006

  
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